

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AMERICA FOREST HOLDINGS, LLC, a Wyoming limited liability company; AMERICAN FOREST LAND COMPANY, LLC, a Wyoming limited liability company; JOHN R. RUDEY and LAURIE G. RUDEY, husband and wife and residents of New York; COPPER BEECH FARM, LLC, a Wyoming limited liability company; COPPER BEECH FARM, INC., a Wyoming corporation,

## Plaintiffs.

V.

BANK OF AMERICA NA, a foreign corporation,

## Defendant

NO: CV-10-3044-RMP

ORDER DENYING AS MOOT  
DEFENDANT'S FIRST MOTION TO  
DISMISS

This case was filed in Kittitas County Superior Court and removed to federal

court before Judge Edward Shea (Ct. Rec. 1). Defendant filed a Motion to Dismiss Plaintiffs' original complaint (Ct. Rec. 4). Subsequent to Defendants filing the first Motion to Dismiss, this case was transferred to this Court, and Plaintiffs filed

1 a first amended complaint (Ct. Rec. 19). Defendant subsequently filed a second  
2 Motion to Dismiss based on Plaintiffs' First Amended Complaint (Ct. Rec. 23).  
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4 After reviewing the record and pleadings in this matter, the Court finds that  
5 Defendant's second Motion to Dismiss, which addresses Plaintiffs' first amended  
6 complaint, supersedes the first Motion to Dismiss, which addressed the original  
7 complaint. Accordingly,

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9 **IT IS HEREBY ORDERED** that Defendant's first motion to dismiss (Ct.  
10 Rec. 4) is **DENIED AS MOOT**.  
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12 The District Court Executive is hereby directed to enter this Order and  
13 provide copies to counsel.  
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15 **DATED** this 24th day of November, 2010.  
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18 *s/ Rosanna Malouf Peterson*  
19 ROSANNA MALOUF PETERSON  
20 United States District Court Judge  
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